

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CINDERELLA BLAKNEY,)
)
Plaintiff,)
)
v.)
)
CHARLOTTE-MECKLENBURG)
SCHOOLS,)
)
Defendant.)
)

Case No. 3:03-cv-551-RJC

ORDER DENYING REQUEST TO AMEND COMPLAINT/ RE-OPEN CASE

On July 13, 2006, this Court issued an Show Cause Order instructing Plaintiff Blakney to demonstrate why her case should not be dismissed pursuant to Fed. R. Civ. P. 41(b) since she failed to properly submit an Amended Complaint after having been so instructed by the magistrate judge. (Doc. No. 40). When Blakney finally responded, the Court found that “her proffered reasons do not justify, or even explain, her failure comply with the Court’s previous orders concerning her Amended Complaint” and dismissed her case. (Doc. No. 42).

On January 28, 2008, Blakney filed an “Amended Complaint” (Doc. No. 44), although nowhere does she attempt to explain why the Court’s order was void or that the dismissal should otherwise be amended and her case reopened with her defective first Complaint amended. The Court finds that Blakney may not simply re-open her case by filing an “Amended Complaint,” nor does it find any reason under Fed. R. Civ. P. 60(b) to her case. Rather, if Blakney wishes to pursue her claim, she must file a new Complaint.¹

¹ Nothing in this order shall be construed to mean that a new Complaint would be timely or otherwise permissible.



Robert J. Conrad, Jr.
Chief United States District Judge



Signed: February 25, 2008